IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 31813 of 2007(K)

PETITIONER:

HAREESH.M.J., S/O.M.K.JOSEPH,
MANAPPARAMBIL HOUSE, 4/7, N.G.O.QUARTERS,
KAKKANAD, ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:
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1. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM-629 001.

2. THE PRINCIPAL, M.E.S.COLLEGE OF ENGINEERING, KUTTIPPURAM, MALAPPURAM-679 573.

3. THE MUSLIM EDUCATIONAL SOCIETY, BANK ROAD, CALICUT-04, REPRESENTED BY THE SECRETARY.

BY SRI.BABU KARUKAPADATH, SC, MES
GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 31813 OF 2007 K

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Dated this the 1st day of November, 2007

J U D G M E N T

Petitioner had joined the 2nd respondent College in B.Tech Computer Science and Engineering. Subsequently in the 3rd allotment, on account of a mistake committed, petitioner wrongly opted for Civil Engineering. However, immediately on realising the mistake committed, by Ext.P3, the petitioner intimated respondents 1 and 2, that he does not want to join the Civil Engineering Branch and wanted to continue in the Computer Science itself. However, he apprehends that because of the wrong option that he had exercised, he might loose the allotment in Computer Science and will be forced to join the Civil Engineering Branch.

2. At the time of admission, it was highlighted by the petitioner that no candidate has been allotted to Computer

Science and that in terms of the prospectus that is available as Ext.P5, management had the liberty to continue his allotment in the Computer Science branch itself.

3. On instructions, it is submitted by the learned counsel for the respondents that though there has not been any alternate allotment of anybody else in the Computer Science branch, position is that there are about 14 vacant seats in the Civil Engineering Branch and that there is lot of demand for Computer Science Branch. Therefore the management wants the petitioner to stand by his option inspite of withdrawing therefrom so that the management can accommodate a student in the petitioner's place in Computer Science.

4. Irrespective of the contentions that are raised in this writ petition, I think the petitioner should be allowed to continue in the Computer Science Branch itself, though he may have committed error in the option that he had exercised. In my view, this will not cause any prejudice to the management also for the

reason that a student will have to be accommodated in that seat in any event. Petitioner is already found to be meritorious to be accommodated and has been granted admission on that basis. Therefore, by his continuance, College is benefitted by a meritorious student in a seat which would have to be alloted to somebody else and the petitioner is benefitted by getting a seat in a subject of his choice.

Therefore, I dispose of this writ petition by directing that irrespective of the option that the petitioner has exercised in the 3rd allotment, the petitioner would be permitted to continue in the B.Tech Computer Science, in which he has already joined.

ANTONY DOMINIC, JUDGE.

Rp